



## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 55

[EPA-R03-OAR-2021-0767; FRL-9366-01-R3]

#### Outer Continental Shelf Air Regulations; Consistency Update for Virginia

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule; consistency update.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to update a portion of the Outer Continental Shelf (OCS) Air Regulations. Requirements applying to OCS sources located within 25 miles of states' seaward boundaries must be updated periodically to remain consistent with the requirements of the corresponding onshore area (COA), as mandated by section 328(a)(1) of the Clean Air Act (CAA). The portion of the OCS air regulations that is being updated pertains to the requirements for OCS sources for which Virginia is the designated COA. The Commonwealth of Virginia's requirements discussed in this document are proposed to be incorporated by reference into the Code of Federal Regulations and listed in the appendix to the OCS air regulations.

**DATES:** Written comments must be received on or before **[insert date 30 days after date of publication in the Federal Register]**.

**ADDRESSES:** Submit your comments, identified by Docket ID No. **EPA-R03-OAR-2021-0767** at <https://www.regulations.gov>, or via email to [Opila.MaryCate@epa.gov](mailto:Opila.MaryCate@epa.gov). For comments submitted at Regulations.gov, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the

official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (i.e. on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **For Further Information Contact** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Gwendolyn Supplee, Permits Branch (3AD10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814-2763. Ms. Supplee can also be reached via electronic mail at [Supplee.Gwendolyn@epa.gov](mailto:Supplee.Gwendolyn@epa.gov).

## **SUPPLEMENTARY INFORMATION:**

### **I. Background**

On September 4, 1992, EPA promulgated 40 CFR part 55,<sup>1</sup> which established requirements to control air pollution from OCS sources in order to attain and maintain federal and state ambient air quality standards and to comply with the provisions of part C of title I of the CAA. The regulations at 40 CFR part 55 apply to all OCS sources except those located in the Gulf of Mexico west of 87.5 degrees longitude. See 40 CFR 55.3(a). Section 328 of the CAA requires that for such sources located within 25 miles of a state's seaward boundary, the requirements shall be the same as would be applicable if the sources were located in the COA. Because the OCS requirements are based on onshore requirements, and onshore requirements may change, section 328(a)(1) requires that EPA update the OCS requirements as necessary to maintain consistency with onshore requirements.

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<sup>1</sup> The reader may refer to the Notice of Proposed Rulemaking, December 5, 1991 (56 FR 63774), and the preamble to the final rule promulgated September 4, 1992 (57 FR 40792) for further background and information on the OCS regulations.

Pursuant to 40 CFR 55.12, consistency reviews will occur: (1) at least annually where an OCS activity is occurring within 25 miles of a State seaward boundary; (2) upon receipt of a Notice of Intent (NOI) under 40 CFR 55.4; or (3) when a state or local agency submits a rule to EPA to be considered for incorporation by reference in 40 CFR part 55. This proposed action is being done as part of an annual review because of OCS activity occurring within 25 miles of Virginia's seaward boundary – in particular the Dominion Energy Virginia 12-megawatt offshore wind technology testing facility located approximately 24 nautical miles east of the City of Virginia Beach, Virginia. Public comments received in writing within 30 days of publication of this document will be considered by EPA before publishing a final rule.

Section 328(a) of the CAA requires that EPA establish requirements to control air pollution from OCS sources located within 25 miles of States' seaward boundaries that are the same as onshore requirements. To comply with this statutory mandate, EPA must incorporate applicable onshore rules into 40 CFR part 55 as they exist onshore. This limits EPA's flexibility in deciding which requirements will be incorporated into 40 CFR part 55 and prevents EPA from making substantive changes to the requirements it incorporates. As a result, EPA may be incorporating rules into 40 CFR part 55 that do not conform to all of EPA's state implementation plan (SIP) guidance or certain requirements of the CAA. Consistency updates may result in the inclusion of state or local rules or regulations into 40 CFR part 55, even though the same rules may ultimately be disapproved for inclusion as part of the SIP. Inclusion in the OCS rule does not imply that a rule meets the requirements of the CAA for SIP approval, nor does it imply that the rule will be approved by EPA for inclusion in the SIP.

## **II. EPA Analysis**

EPA reviewed Virginia's rules for inclusion in 40 CFR part 55 to ensure that they are rationally related to the attainment or maintenance of federal or state ambient air quality standards and compliance with part C of title I of the CAA, that they are not designed expressly to prevent exploration and development of the OCS, and that they are potentially applicable to

OCS sources. See 40 CFR 55.1. EPA has also evaluated the rules to ensure they are not arbitrary or capricious. See 40 CFR 55.12(e). In addition, EPA has excluded administrative or procedural rules, and requirements that regulate toxics which are not related to the attainment and maintenance of federal and state ambient air quality standards.<sup>2</sup>

### **III. Proposed Action**

EPA last did a consistency update for Virginia on October 21, 2019 (84 FR 56121). In that action, EPA incorporated by reference into 40 CFR part 55 all Virginia regulations that EPA believed were relevant to the OCS requirements. For this action, EPA has reviewed changes that Virginia has made to its underlying regulatory programs. This action will have no effect on any provisions that were not subject to changes by Virginia and were also previously incorporated by reference into 40 CFR part 55 through EPA's October 21, 2019 rulemaking. The rules that EPA proposes to incorporate are applicable provisions of the Virginia Administrative Code (VAC). The intended effect of proposing approval of the OCS requirements for the Virginia Department of Environmental Quality (VADEQ) is to regulate emissions from OCS sources in accordance with the requirements for onshore sources. The Virginia regulatory changes EPA proposes to incorporate are:

- 1) Chapter 20, General Provisions – 9VAC5-20-21, Documents incorporated by reference;
- 2) Chapter 50, New and Modified Stationary Sources - 9VAC5-50-400. General;
- 3) Chapter 60, Hazardous Air Pollutant Sources - 9VAC5-60-60. General;
- 4) Chapter 60, Hazardous Air Pollutant Sources - 9VAC5-60-90. General.

EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

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<sup>2</sup> Each COA which has been delegated the authority to implement and enforce 40 CFR part 55 will use its administrative and procedural rules as onshore. However, in those instances where EPA has not delegated authority to implement and enforce 40 CFR part 55, EPA will use its own administrative and procedural requirements to implement the substantive requirements. See 40 CFR 55.14(c)(4).

#### **IV. Incorporation by Reference**

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference the applicable provisions of the Virginia Administrative Code set forth below. EPA has made, and will continue to make, these materials available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region III Office (please contact the person identified in the **For Further Information Contact** section of this preamble for more information).

#### **V. Statutory and Executive Order Reviews**

Under the Clean Air Act, the Administrator is required to establish requirements to control air pollution from OCS sources located within 25 miles of states' seaward boundaries that are the same as onshore air pollution control requirements. To comply with this statutory mandate, the EPA must incorporate applicable onshore rules into 40 CFR part 55 as they exist onshore. See 42 U.S.C. 7627(a)(1); 40 CFR 55.12. Thus, in promulgating OCS consistency updates, EPA's role is to maintain consistency between OCS regulations and the regulations of onshore areas, provided that they meet the criteria of the CAA. Accordingly, this action simply updates the existing OCS requirements that have been revised since the last consistency review to make them consistent with requirements onshore, without the exercise of any policy direction by EPA. For that reason, this proposed action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

This proposed rulemaking incorporating by reference sections of the Virginia Administrative Code, does not apply on any Indian reservation land as defined in 18 U.S.C. 1151 or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, this rule incorporating by reference sections of the Virginia Administrative Code does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing regulations at 40 CFR part 55 and, by extension, this update to part 55, and has assigned OMB control number 2060-0249. This action does not impose a new information burden under PRA

because this action only updates the state rules that are incorporated by reference into 40 CFR part 55, appendix A<sup>3</sup>.

EPA is proposing to incorporate the rules potentially applicable to sources for which the Commonwealth of Virginia will be the COA that have been revised since the last consistency review. The rules that EPA proposes to incorporate are applicable provisions of the Virginia Administrative Code.

**List of Subjects in 40 CFR Part 55**

Environmental protection, Administrative practice and procedure, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Outer continental shelf, Ozone, Particulate matter, Permits, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: January 20, 2022

Diana Esher,  
Acting Regional Administrator,  
Region III.

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<sup>3</sup> OMB's approval of the ICR can be viewed at [www.reginfo.gov](http://www.reginfo.gov).

Part 55 of Chapter I, title 40 of the Code of Federal Regulations is proposed to be amended as follows:

**PART 55—OUTER CONTINENTAL SHELF AIR REGULATIONS**

1. The authority citation for part 55 continues to read as follows:

**Authority:** Section 328 of the Clean Air Act (42 U.S.C. 7401 *et seq.*) as amended by Public Law 101-549.

2. Section 55.14 is amended by revising paragraph (e)(22)(i)(A) to read as follows:

**§ 55.14 Requirements that apply to OCS sources located within 25 miles of States’ seaward boundaries, by State.**

\* \* \* \* \*

(e) \* \* \*

(22) \* \* \*

(i) \* \* \*

(A) Commonwealth of Virginia Requirements Applicable to OCS Sources, September 8, 2021.

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3. Appendix A to part 55 is amended by revising paragraph (a)(1) under the heading “Virginia” :  
to read as follows:

**Appendix A to Part 55—Listing of State and Local Requirements Incorporated by  
Reference into Part 55, by State**

\* \* \* \* \*

**VIRGINIA:**

(a) State Requirements.

(1) The following Commonwealth of Virginia requirements are applicable to OCS Sources, September 8, 2021, Commonwealth of Virginia - Virginia Department of Environmental Quality.

The following sections of Virginia Regulations for the Control and Abatement of Air Pollution Control (VAC), Title 9, Agency 5:

*Chapter 10 - General Definitions*



(Effective 05/19/2017)

9VAC5-10-10. General.

9VAC5-10-20. Terms defined.

9VAC5-10-30. Abbreviations.

*Chapter 20 - General Provisions*

(Effective 02/19/2018 except where noted)

Part I - Administrative

9VAC5-20-10. Applicability.

9VAC5-20-21. Documents incorporated by reference. (Effective 11/11/2020)

9VAC5-20-50. Variances.

9VAC5-20-70. Circumvention.

9VAC5-20-80. Relationship of state regulations to federal regulations.

9VAC5-20-121. Air quality program policies and procedures.

Part II - Air Quality Programs

9VAC5-20-160. Registration.

9VAC5-20-170. Control programs.

9VAC5-20-180. Facility and control equipment maintenance or malfunction.

9VAC5-20-200. Air quality control regions.

9VAC5-20-203. Maintenance areas.

9VAC5-20-204. Nonattainment areas.

9VAC5-20-205. Prevention of significant deterioration areas.

9VAC5-20-206. Volatile organic compound and nitrogen oxides emission control areas.

9VAC5-20-220. Shutdown of a stationary source.

9VAC5-20-230. Certification of documents.

*Chapter 30 - Ambient Air Quality Standards*

(Effective 05/15/2017)

9VAC5-30-10. General.

9VAC5-30-15. Reference conditions.

9VAC5-30-30. Sulfur oxides (sulfur dioxide).

9VAC5-30-40. Carbon monoxide.

9VAC5-30-50. Ozone (1-hour).

9VAC5-30-55. Ozone (8-hour, 0.08 ppm).

9VAC5-30-56. Ozone (8-hour, 0.075 ppm).

9VAC5-30-57. Ozone (8-hour, 0.070 ppm).

9VAC5-30-60. Particulate matter (PM<sub>10</sub>).

9VAC5-30-65. Particulate matter (PM<sub>2.5</sub>).

9VAC5-30-66. Particulate matter (PM<sub>2.5</sub>).

9VAC5-30-67. Particulate matter (PM<sub>2.5</sub>).

9VAC5-30-70. Oxides of nitrogen with nitrogen dioxide as the indicator.

9VAC5-30-80. Lead.

#### *Chapter 40 - Existing Stationary Sources*

##### **Part I - Special Provisions**

(Effective 12/12/2007)

9VAC5-40-10. Applicability.

9VAC5-40-20. Compliance.

9VAC5-40-21. Compliance schedules.

9VAC5-40-22. Interpretation of emission standards based on process weight-rate tables.

9VAC5-40-30. Emission testing.

9VAC5-40-40. Monitoring.

9VAC5-40-41. Emission monitoring procedures for existing sources.

9VAC5-40-50. Notification, records and reporting.

##### **Part II - Emission Standards**

## Article 1 - Visible Emissions and Fugitive Dust/Emissions

(Effective 02/01/2003)

9VAC5-40-60. Applicability and designation of affected facility.

9VAC5-40-70. Definitions.

9VAC5-40-80. Standard for visible emissions.

9VAC5-40-90. Standard for fugitive dust/emissions.

9VAC5-40-100. Monitoring.

9VAC5-40-110. Test methods and procedures.

9VAC5-40-120. Waivers.

## Article 4 - General Process Operations

(Effective 12/15/2006)

9VAC5-40-240. Applicability and designation of affected facility.

9VAC5-40-250. Definitions.

9VAC5-40-260. Standard for particulate matter (AQCR 1-6).

9VAC5-40-270. Standard for particulate matter (AQCR 7).

9VAC5-40-280. Standard for sulfur dioxide.

9VAC5-40-290. Standard for hydrogen sulfide.

9VAC5-40-320. Standard for visible emissions.

9VAC5-40-330. Standard for fugitive dust/emissions.

9VAC5-40-360. Compliance.

9VAC5-40-370. Test methods and procedures.

9VAC5-40-380. Monitoring.

9VAC5-40-390. Notification, records and reporting.

9VAC5-40-400. Registration.

9VAC5-40-410. Facility and control equipment maintenance or malfunction.

9VAC5-40-420. Permits.

## Article 7 - Incinerators

(Effective 01/01/1985)

9VAC5-40-730. Applicability and designation of affected facility.

9VAC5-40-740. Definitions.

9VAC5-40-750. Standard for particulate matter.

9VAC5-40-760. Standard for visible emissions.

9VAC5-40-770. Standard for fugitive dust/emissions.

9VAC5-40-800. Prohibition of flue-fed incinerators.

9VAC5-40-810. Compliance.

9VAC5-40-820. Test methods and procedures.

9VAC5-40-830. Monitoring.

9VAC5-40-840. Notification, records and reporting.

9VAC5-40-850. Registration.

9VAC5-40-860. Facility and control equipment maintenance or malfunction.

9VAC5-40-870. Permits.

## Article 8 - Fuel Burning Equipment

(Effective 01/01/2002)

9VAC5-40-880. Applicability and designation of affected facility.

9VAC5-40-890. Definitions.

9VAC5-40-900. Standard for particulate matter.

9VAC5-40-910. Emission allocation system.

9VAC5-40-920. Determination of collection equipment efficiency factor.

9VAC5-40-930. Standard for sulfur dioxide.

9VAC5-40-940. Standard for visible emissions.

9VAC5-40-950. Standard for fugitive dust/emissions.

9VAC5-40-980. Compliance.

9VAC5-40-990. Test methods and procedures.

9VAC5-40-1000. Monitoring.

9VAC5-40-1010. Notification, records and reporting.

9VAC5-40-1020. Registration.

9VAC5-40-1030. Facility and control equipment maintenance or malfunction.

9VAC5-40-1040. Permits.

#### Article 14 - Sand-Gravel Processing; Stone Quarrying & Processing

(Effective 01/01/1985)

9VAC5-40-1820. Applicability and designation of affected facility.

9VAC5-40-1830. Definitions.

9VAC5-40-1840. Standard for particulate matter.

9VAC5-40-1850. Standard for visible emissions.

9VAC5-40-1860. Standard for fugitive dust/emissions.

9VAC5-40-1890. Compliance.

9VAC5-40-1900. Test methods and procedures.

9VAC5-40-1910. Monitoring.

9VAC5-40-1920. Notification, records and reporting.

9VAC5-40-1930. Registration.

9VAC5-40-1940. Facility and control equipment maintenance or malfunction.

9VAC5-40-1950. Permits.

#### Article 17 - Woodworking Operations

(Effective 01/01/1985)

9VAC5-40-2250. Applicability and designation of affected facility.

9VAC5-40-2260. Definitions.

9VAC5-40-2270. Standard for particulate matter.

9VAC5-40-2280. Standard for visible emissions.

9VAC5-40-2290. Standard for fugitive dust/emissions.

9VAC5-40-2320. Compliance.

9VAC5-40-2330. Test methods and procedures.

9VAC5-40-2340. Monitoring.

9VAC5-40-2350. Notification, records and reporting.

9VAC5-40-2360. Registration.

9VAC5-40-2370. Facility and control equipment maintenance or malfunction.

9VAC5-40-2380. Permits.

#### Article 18 - Primary and Secondary Metal Operations

(Effective 01/01/1985)

9VAC5-40-2390. Applicability and designation of affected facility.

9VAC5-40-2400. Definitions.

9VAC5-40-2410. Standard for particulate matter.

9VAC5-40-2420. Standard for sulfur oxides.

9VAC5-40-2430. Standard for visible emissions.

9VAC5-40-2440. Standard for fugitive dust/emissions.

9VAC5-40-2470. Compliance.

9VAC5-40-2480. Test methods and procedures.

9VAC5-40-2490. Monitoring.

9VAC5-40-2500. Notification, records and reporting.

9VAC5-40-2510. Registration.

9VAC5-40-2520. Facility and control equipment maintenance or malfunction.

9VAC5-40-2530. Permits.

#### Article 19 - Lightweight Aggregate Process Operations

(Effective 01/01/1985)

9VAC5-40-2540. Applicability and designation of affected facility.

9VAC5-40-2550. Definitions.

9VAC5-40-2560. Standard for particulate matter.

9VAC5-40-2570. Standard for sulfur oxides.

9VAC5-40-2580. Standard for visible emissions.

9VAC5-40-2590. Standard for fugitive dust/emissions.

9VAC5-40-2620. Compliance.

9VAC5-40-2630. Test methods and procedures.

9VAC5-40-2640. Monitoring.

9VAC5-40-2650. Notification, records and reporting.

9VAC5-40-2660. Registration.

9VAC5-40-2670. Facility and control equipment maintenance or malfunction.

9VAC5-40-2680. Permits.

#### Article 24 - Solvent Metal Cleaning Operations

(Effective 03/24/2004)

9VAC5-40-3260. Applicability and designation of affected facility.

9VAC5-40-3270. Definitions.

9VAC5-40-3280. Standard for volatile organic compounds.

9VAC5-40-3290. Control technology guidelines.

9VAC5-40-3300. Standard for visible emissions.

9VAC5-40-3310. Standard for fugitive dust/emissions.

9VAC5-40-3340. Compliance.

9VAC5-40-3350. Test methods and procedures.

9VAC5-40-3360. Monitoring.

9VAC5-40-3370. Notification, records and reporting.

9VAC5-40-3380. Registration.

9VAC5-40-3390. Facility and control equipment maintenance or malfunction.

9VAC5-40-3400. Permits.

## Article 25 - VOC Storage & Transfer Operations

(Effective 07/01/1991)

9VAC5-40-3410. Applicability and designation of affected facility.

9VAC5-40-3420. Definitions.

9VAC5-40-3430. Standard for volatile organic compounds.

9VAC5-40-3440. Control technology guidelines.

9VAC5-40-3450. Standard for visible emissions.

9VAC5-40-3460. Standard for fugitive dust/emissions.

9VAC5-40-3490. Compliance.

9VAC5-40-3500. Test methods and procedures.

9VAC5-40-3510. Monitoring.

9VAC5-40-3520. Notification, records and reporting.

9VAC5-40-3530. Registration.

9VAC5-40-3540. Facility and control equipment maintenance or malfunction.

9VAC5-40-3550. Permits.

## Article 34 - Miscellaneous Metal Parts/Products Coating Application

(Effective 02/01/2016)

9VAC5-40-4760. Applicability and designation of affected facility.

9VAC5-40-4770. Definitions.

9VAC5-40-4780. Standard for volatile organic compounds.

9VAC5-40-4790. Control technology guidelines.

9VAC5-40-4800. Standard for visible emissions.

9VAC5-40-4810. Standard for fugitive dust/emissions.

9VAC5-40-4840. Compliance.

9VAC5-40-4850. Test methods and procedures.



9VAC5-40-4860. Monitoring.

9VAC5-40-4870. Notification, records and reporting.

9VAC5-40-4880. Registration.

9VAC5-40-4890. Facility and control equipment maintenance or malfunction.

9VAC5-40-4900. Permits.

#### Article 37 - Petroleum Liquid Storage and Transfer Operations

(Effective 07/30/2015)

9VAC5-40-5200. Applicability and designation of affected facility.

9VAC5-40-5210. Definitions.

9VAC5-40-5220. Standard for volatile organic compounds.

9VAC5-40-5230. Control technology guidelines.

9VAC5-40-5240. Standard for visible emissions.

9VAC5-40-5250. Standard for fugitive dust/emissions.

9VAC5-40-5280. Compliance.

9VAC5-40-5290. Test methods and procedures.

9VAC5-40-5300. Monitoring.

9VAC5-40-5310. Notification, records and reporting.

9VAC5-40-5320. Registration.

9VAC5-40-5330. Facility and control equipment maintenance or malfunction.

9VAC5-40-5340. Permits.

#### Article 41 - Mobile Sources

(Effective 08/01/1991)

9VAC5-40-5650. Applicability and designation of affected facility.

9VAC5-40-5660. Definitions.

9VAC5-40-5670. Motor vehicles.

9VAC5-40-5680. Other mobile sources.

9VAC5-40-5690. Export/import of motor vehicles.

## Article 45 - Commercial/Industrial Solid Waste Incinerators

(Effective 11/16/2016)

9VAC5-40-6250. Applicability and designation of affected facility.

9VAC5-40-6260. Definitions.

9VAC5-40-6270. Standard for particulate matter.

9VAC5-40-6360. Standard for visible emissions.

9VAC5-40-6370. Standard for fugitive dust/emissions.

9VAC5-40-6400. Operator training and qualification.

9VAC5-40-6410. Waste management plan.

9VAC5-40-6420. Compliance schedule.

9VAC5-40-6430. Operating limits.

9VAC5-40-6440. Facility and control equipment maintenance or malfunction.

9VAC5-40-6450. Test methods and procedures.

9VAC5-40-6460. Compliance.

9VAC5-40-6470. Monitoring.

9VAC5-40-6480. Recordkeeping and reporting.

9VAC5-40-6490. Requirements for air curtain incinerators.

9VAC5-40-6500. Registration.

9VAC5-40-6510. Permits.

9VAC5-40-6520. Documents Incorporated by Reference.

## Article 46 - Small Municipal Waste Combustors

(Effective 05/04/2005)

9VAC5-40-6550. Applicability and designation of affected facility.

9VAC5-40-6560. Definitions.

9VAC5-40-6570. Standard for particulate matter.

9VAC5-40-6580. Standard for carbon monoxide.

9VAC5-40-6590. Standard for dioxins/furans.

9VAC5-40-6600. Standard for hydrogen chloride.

9VAC5-40-6610. Standard for sulfur dioxide.

9VAC5-40-6620. Standard for nitrogen oxides.

9VAC5-40-6630. Standard for lead.

9VAC5-40-6640. Standard for cadmium.

9VAC5-40-6650. Standard for mercury.

9VAC5-40-6660. Standard for visible emissions.

9VAC5-40-6670. Standard for fugitive dust/emissions.

9VAC5-40-6700. Operator training and certification.

9VAC5-40-6710. Compliance schedule.

9VAC5-40-6720. Operating requirements.

9VAC5-40-6730. Compliance.

9VAC5-40-6740. Test methods and procedures.

9VAC5-40-6750. Monitoring.

9VAC5-40-6760. Recordkeeping.

9VAC5-40-6770. Reporting.

9VAC5-40-6780. Requirements for air curtain incinerators that burn 100 percent yard waste.

9VAC5-40-6790. Registration.

9VAC5-40-6800. Facility and control equipment maintenance or malfunction.

9VAC5-40-6810. Permits.

Article 47 - Solvent Cleaning

(Effective 03/24/2004)

9VAC5-40-6820. Applicability and designation of affected facility.

9VAC5-40-6830. Definitions.

9VAC5-40-6840. Standard for volatile organic compounds.

9VAC5-40-6850. Standard for visible emissions.

9VAC5-40-6860. Standard for fugitive dust/emissions.

9VAC5-40-6890. Compliance.

9VAC5-40-6900. Compliance schedules.

9VAC5-40-6910. Test methods and procedures.

9VAC5-40-6920. Monitoring.

9VAC5-40-6930. Notification, records and reporting.

9VAC5-40-6940. Registration.

9VAC5-40-6950. Facility and control equipment maintenance or malfunction.

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9VAC5-40-6975. Exemptions.

9VAC5-40-6980. Definitions.

9VAC5-40-6990. Standard for volatile organic compounds.

9VAC5-40-7000. Standard for visible emissions.

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## Article 51 - Stationary Sources Subject to Case-by-Case RACT Determinations

(Effective 12/02/2015)

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9VAC5-40-7380. Definitions.

9VAC5-40-7390. Standard for volatile organic compounds (1-hour ozone standard)

9VAC5-40-7400. Standard for volatile organic compounds (8-hour ozone standard).

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9VAC5-40-7420. Standard for nitrogen oxides (8-hour ozone standard).

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9VAC5-40-7450. Standard for fugitive dust/emissions.

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9VAC5-40-7520. Registration.

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9VAC5-40-7540. Permits.

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9VAC5-40-7960. Definitions.

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9VAC5-40-8120. Operating practices.

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## *Chapter 50 - New and Modified Stationary Sources*

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9VAC5-50-20. Compliance.

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(Effective 02/01/2003)

9VAC5-50-60. Applicability and designation of affected facility.

9VAC5-50-70. Definitions.

9VAC5-50-80. Standard for visible emissions.

9VAC5-50-90. Standard for fugitive dust/emissions.

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### Article 4 - Stationary Sources

(Effective 11/07/2012)

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9VAC5-50-290. Standard for visible emissions.

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Article 5 – Environmental Protection Agency Standards of Performance for New Stationary Sources (Rule 5-5)

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9VAC5-50-405. Authority to implement and enforce standards as authorized by EPA.

9VAC5-50-410. Designated standards of performance.

9VAC5-50-420. Word or phrase substitutions.

*Chapter 60 - Hazardous Air Pollutant Sources*

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(Effective 08/01/2002)

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9VAC5-60-20. Compliance.

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9VAC5-60-40. Monitoring.

9VAC5-60-50. Notification, records and reporting.

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Article 1 – Environmental Protection Agency National Emission Standards for Hazardous Air Pollutants (Rule 6-1)

(Effective 02/20/2019 except where noted)

9VAC5-60-60. General. (Effective 11/11/2020)

9VAC5-60-65. Authority to implement and enforce standards as authorized by EPA.

9VAC5-60-70. Designated emission standards.

9VAC5-60-80. Word or phrase substitutions.

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(Effective 03/02/2011 except where noted)

9VAC5-60-90. General. (Effective 11/11/2020)

9VAC5-60-95. Authority to implement and enforce standards as authorized by EPA.

9VAC5-60-100. Designated emission standards.

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Article 3 - Control Technology Determinations for Major Sources of Hazardous Air Pollutants

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9VAC5-60-130. Definitions.

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9VAC5-60-150. Application content for case-by-case MACT determinations.

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9VAC5-60-170. Maximum achievable control technology (MACT) determinations for affected sources subject to case-by-case determination of equivalent emission limitations.

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#### *Chapter 80 - Permits for Stationary Sources*

## Part II - Permit Procedures

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(Effective 11/16/2016)

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9VAC5-80-290. Permit review by EPA and affected states.

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(Effective 01/01/2018)

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9VAC5-80-340. Annual permit program fee calculation prior to January 1, 2018.

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(Effective 01/01/2001)

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(Effective 12/31/2008)

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9VAC5-80-880. Compliance determination and verification by testing.

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(Effective 03/27/2014)

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9VAC5-80-1220. Existence of permit no defense.

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9VAC5-80-1240. Transfer of permits.

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9VAC5-80-1255. Actions to combine permit terms and conditions.

9VAC5-80-1260. Actions to change permits.

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(Effective 08/13/2015)

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(Effective 05/15/2017)

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9VAC5-80-2050. Standards and conditions for granting permits.

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9VAC5-80-2070. Public participation.

9VAC5-80-2080. Compliance determination and verification by performance testing.

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Article 10 - Permit Application Fees for Stationary Sources



(Effective 01/01/2018)

9VAC5-80-2250. Applicability.

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9VAC5-80-2280. Permit application fee calculation prior to January 1, 2018.

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(Effective 01/01/2018)

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#### *Chapter 85 - Permits for Stationary Sources of Pollutants Subject to Regulation*

(Effective 08/13/2015)

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### *Chapter 130 - Open Burning*

(Effective 07/15/2015)

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(Effective 11/16/2016)

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(Effective 05/15/2017)

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